

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3 In the Matter of

4 **RODNEY J. LEE, M.D.**

5 Holder of License No. 40201  
6 For the Practice of Medicine  
In the State of Arizona.

Case No. MD-08-0885A

**CONSENT AGREEMENT FOR  
SURRENDER OF LICENSE**

7 **CONSENT AGREEMENT**

8 By mutual agreement and understanding, between the Arizona Medical Board  
9 ("Board") and Rodney J. Lee, M.D. ("Respondent"), the parties agree to the following  
10 disposition of this matter.

11 1. Respondent has read and understands this Consent Agreement and the  
12 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").  
13 Respondent acknowledges that he has the right to consult with legal counsel regarding  
14 this matter and has done so or chooses not to do so.

15 2. By entering into this Consent Agreement, Respondent voluntarily  
16 relinquishes any rights to a hearing or judicial review in state or federal court on the  
17 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
18 Board, and waives any other cause of action related thereto or arising from said Consent  
19 Agreement.

20 3. This Consent Agreement is not effective until approved by the Board and  
21 signed by its Executive Director.

22 4. The Board may adopt this Consent Agreement or any part thereof. This  
23 Consent Agreement, or any part thereof, may be considered in any future disciplinary  
24 action against Respondent.  
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1        5. This Consent Agreement does not constitute a dismissal or resolution of other  
2 matters currently pending before the Board, if any, and does not constitute any waiver,  
3 express or implied, of the Board's statutory authority or jurisdiction regarding any other  
4 pending or future investigation, action or proceeding. The acceptance of this Consent  
5 Agreement does not preclude any other agency, subdivision or officer of this State from  
6 instituting other civil or criminal proceedings with respect to the conduct that is the subject  
7 of this Consent Agreement.

8        6. All admissions made by Respondent are solely for final disposition of this  
9 matter and any subsequent related administrative proceedings or civil litigation involving  
10 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
11 or made for any other use, such as in the context of another state or federal government  
12 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
13 any other state or federal court.

14        7. Upon signing this agreement, and returning this document (or a copy thereof) to  
15 the Board's Executive Director, Respondent may not revoke the acceptance of the  
16 Consent Agreement. Respondent may not make any modifications to the document. Any  
17 modifications to this original document are ineffective and void unless mutually approved  
18 by the parties.

19        8. If the Board does not adopt this Consent Agreement, Respondent will not  
20 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
21 bias, prejudice, prejudgment or other similar defense.

22        9. This Consent Agreement, once approved and signed, is a public record that will  
23 be publicly disseminated as a formal action of the Board and will be reported to the  
24 National Practitioner Data Bank and to the Arizona Medical Board's website.

1        10. If any part of the Consent Agreement is later declared void or otherwise  
2 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in  
3 force and effect.

4        11. Any violation of this Consent Agreement constitutes unprofessional conduct  
5 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,  
6 probation, consent agreement or stipulation issued or entered into by the board or its  
7 executive director under this chapter") and 32-1451.

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11 RODNEY J. LEE, M.D.

Dated: 1.2.9

**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 40201 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-08-0885A after receiving notification that the North Dakota Medical Board revoked Respondent's license for signing blank prescription forms for physician assistants (PAs) to prescribe narcotics, for storing returned controlled substances in an unlocked drawer, for failing to note the medical basis for prescribing controlled substances, for inappropriately billing the Medicaid program for services provided by PAs and nurse practitioners, and for failing to properly supervise a physician assistant. The North Dakota Order is incorporated by reference.

4. Respondent admits to the acts described above and that they constitute unprofessional conduct pursuant to A.R.S. §32-1401(27)(o) ("[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine, the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction."). The corresponding acts of unprofessional conduct are in A.R.S. §32-1401(27)(e) ("[f]ailing or refusing to maintain adequate records on a patient."); A.R.S. §32-1401(27)(j) ("[p]rescribing, dispensing or administering any controlled substance or prescription-only drug for other than accepted therapeutic purposes.");

1 A.R.S. §32-1401(27)(k) ("[s]igning a blank, undated or predated prescription form.");  
2 A.R.S. §32-1401(27)(q) ("[a]ny conduct that is or might be harmful or dangerous to the  
3 health of the patient or the public."); A.R.S. §32-1401(27)(u) ("[c]harging a fee for services  
4 not rendered or dividing a professional fee for patient referrals among health care  
5 providers or health care institutions or between these providers and institutions or a  
6 contractual arrangement that has the same effect. . .") and A.R.S. §32-1401(27)(ii) ("[l]ack  
7 of or inappropriate direction, collaboration or direct supervision of a medical assistant or a  
8 licensed, certified or registered health care provider employed by, supervised by or  
9 assigned to the physician.").

#### 10 CONCLUSIONS OF LAW

11 1. The Board possesses jurisdiction over the subject matter hereof and over  
12 Respondent.

13 2. The Board possesses statutory authority to enter into a consent agreement  
14 with a physician and accept the surrender of an active license from a physician who  
15 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

#### 16 ORDER

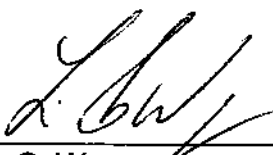
17 IT IS HEREBY ORDERED THAT Rodney J. Lee, M.D., surrender License Number  
18 40201, issued to him for the practice of allopathic medicine in the State of Arizona, and,  
19 immediately return his wallet card and certificate of licensure to the Board.

20 and effective this 5<sup>TH</sup> day of FEBRUARY, 2009.



21 ARIZONA MEDICAL BOARD

22 By:

23   
24 Lisa S. Wynn  
25 Executive Director

26 ORIGINAL of the foregoing filed  
27 this 5<sup>th</sup> day of February 2009 with:

1 Arizona Medical Board  
2 9545 E. Doubletree Ranch Road  
3 Scottsdale, AZ 85258

4 EXECUTED COPY of the foregoing mailed  
5 this 5<sup>th</sup> day of February 2009 to:

6 Rodney J. Lee, M.D.  
7 Address of Record

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10 Investigational Review  
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